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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,703	01/26/2004	Richard Jahn	JAHN - 1	9200

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EXAMINER

MILLER, WILLIAM L

ART UNIT PAPER NUMBER

3677

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/764,703

Applicant(s)

JAHN, RICHARD

Examiner

William L. Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 20040126.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Objections

1. Claims 1, 12, and 13 are objected to because of the following informalities: claims 1 and 13, line 4, change “a section” to --one of said portions--; and claim 12, line 5, change “section” to --one portion--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 4-6, 10, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Katulka (US#6719193)

4. Regarding claims 1 and 10, Katulka discloses a lighted mailbox comprising: a enclosure 12 being viewed as “house-shaped” as it comprises a front portion 120 (door), a rear portion 112 (rear wall), a roof portion 108 (top), and at least two side portions 104,106 (side walls), wherein the front portion opens and closes to provide access to an interior of the enclosure; at least one translucent window 80; at least one light source 40; at least one power supply 20; and wherein the translucent window is made of a diffuse white plastic which is non-transparent thereby transmitting light to the outside without the interior being visible from the outside.

5. Regarding claim 2, the mailbox includes a photoelectric light sensor 52 coupled via circuitry 50 to the light source and power supply.

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6. Regarding claims 4-6, the power supply includes a solar cell 28 on the roof (Fig. 5) and a rechargeable battery (col. 4, lines 30-31).

7. Regarding claim 13, see analysis for claims 1, 2, 4-6, and 10 above as all limitations have been addressed.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Katulka.

10. Katulka discloses the photoelectric light sensor being attached to the rear portion as opposed to the roof portion as claimed by the applicant. However, the specific location of the photoelectric sensor on the enclosure is not disclosed as a critical feature of the applicant's invention as the location of the sensor does not solve any stated problem or have any particular purpose. Therefore, it would have been an obvious design consideration to modify Katulka by moving the photoelectric light sensor from the rear portion to the roof portion of the enclosure as the lighted mailbox would perform equally well with the sensor located at the roof portion.

11. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katulka in view of Darty (US#20040080414).

12. Katulka discloses a fluorescent light as opposed to an incandescent light, neon light, or LED as claimed by the applicant. However, the specific type of light source is not disclosed as a

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critical feature of the applicant's invention as the type of light source does not solve any stated problem or have any particular purpose. In any event, fluorescent, incandescent, neon, and light emitting diodes are known art recognized equivalent light sources as evidenced by Darty (see paragraph [0030]), and thus it would have been obvious to one of ordinary skill in the art to substitute one for the other. In re Fout, 675 F.2d 297, 301, 213 USPQ 532, 536 (CCPA 1982).

13. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katulka in view of Goins (US#6953258).

14. Regarding claim 11, Katulka fails to disclose a housing in the interior of the enclosure wherein the light source and power supply are detachably connected thereto. However, Goins discloses a lighted mailbox including a housing 11 in the interior of a enclosure 17 wherein a light source 12 and a power supply 13 are detachably connected thereto, the housing being removably attachable to the enclosure to provide a retrofit capability for standard mailboxes (col. 3, lines 17-19). Therefore, as taught by Goins, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Katulka by including a housing in the interior of the enclosure wherein the light source and the power supply were detachably connected thereto, and the housing was removably attached to the enclosure, thus providing a retrofit capability for standard mailboxes.

15. Regarding claim 12, Katulka fails to disclose a switch for illuminating the light source upon opening of the front portion (door). However, Goins discloses a lighted mailbox including a switch 14 for illuminating a light source 12 upon opening of the front portion 20 (door) thus providing lighting of the interior of the enclosure 17 and improving safety in mail removal (col.

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3, lines 20-22). Therefore, as taught by Katulka, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Katulka to include a switch for illuminating the light source upon opening of the front portion (door) thus providing lighting of the interior of the enclosure and improving safety in mail removal.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Miller whose telephone number is (571) 272-7068. The examiner can normally be reached on Tuesday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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William L. Miller
Primary Examiner
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WLM

A handwritten signature in black ink, consisting of a large, stylized 'W' followed by a series of loops and a long, sweeping horizontal stroke.